

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

RAFAEL VALENTIN-MANON

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIV. NO.06-2251(PG)
(Re: Crim No. 04-217(PG))

ORDER

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings, "the district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." On March 30, 2010, the Court entered a final order denying petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, but did not address whether a certificate of appealability would issue. The Court has considered the matter and is now ready to rule.

Under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), no appeal may be taken from a district court's ruling on a Section 2255 motion unless a district or circuit judge issues a Certificate of Appealability ("COA") based upon a "substantial showing" by the prisoner of "the denial of a constitutional right." 28 U.S.C. § 2253(c). In order to meet the substantial showing standard, the petitioner must demonstrate that the issues raised supporting his request for a COA are "'debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are 'adequate to deserve encouragement to proceed further.'" Barefoot v. Estelle, 463 U.S. 880, 893 n. 4 (1983); Slack v. McDaniel, 529 U.S. 473, 484 (2000); see also Medellin v. Dretke, 544 U.S. 660, 676 (2005). "The necessity for a substantial showing extends

Civil No. (PG) 06-2251

Page 2

independently to each and every issue raised by a habeas petitioner.”
Berthoff v. United States, 308 F.3d 124, 127-28 (1st Cir. 2002).

Here, Petitioner has not made the requisite substantial showing of the denial of any constitutional rights that would warrant the issuance of a COA. Therefore, the COA is **DENIED**.

SO ORDERED.

In San Juan, Puerto Rico, June 8, 2010.

S/ JUAN M. PEREZ-GIMENEZ
JUAN M. PEREZ-GIMENEZ
SENIOR U. S. DISTRICT JUDGE